



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

SMC
Docket No: 04294-00
9 November 2000

HM1 [REDACTED] USNR
[REDACTED]
[REDACTED]

Dear Petty Officer [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested correction to your performance evaluation reports for 15 November 1997 to 15 November 1998 and 16 November 1998 to 15 November 1999.

Your request to correct the report for 15 November 1997 to 15 November 1998 could not be considered, as this report is not in your official headquarters record. It is noted that the Navy Personnel Command (NPC) has modified the report for 16 November 1998 to 15 November 1999 to show you were not counseled.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by NPC dated 15 August 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice warranting further correction of the report for 16 November 1998 to 15 November 1999. In this connection, they substantially concurred with the comments contained in the advisory opinion. They noted that you offered nothing to prove you completed correspondence courses during this period. Further, they observed that you could provide such information by means of submitting a statement via the reporting senior. In view of the above, your application for relief beyond that effected by NPC has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

4294-00

1610
PERS-311
15 August 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: HNM [REDACTED] US [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual
(b) NAVADMIN 175/98

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests corrections be made to his performance evaluation for the periods 15 November 1997 to 15 November 1998 and 16 November 1998 to 15 November 1999.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report for the period 16 November 1998 to 15 November 1999 to be on file. The member did not sign the report, however, "Certified Copy Provided" was written in block-51. The performance evaluation for the period 15 November 1997 to 15 November 1998 is not in his record. The member provided a copy with his petition. Per reference (a), Annex S, paragraph S-8, the member has two years from the ending date of the report to submit a statement.

b. The copy of the performance report for the period 15 November 1997 to 15 November 1998 provided with the member's petition was found unsuitable for filing. We are in the process of returning it to the reporting senior to correct blocks-30-32, 46, and 51 and resubmission.

c. The performance report for the period 16 November 1998 to 15 November 1999 is procedurally correct. The member states blocks-30 and 31 is incorrect, as counseling was never completed and block-51, signature of individual states "Certified Copy Provided." Per reference (b), paragraph 2.b states; "Unsigned advance copy reports that are "certified" by the reporting senior that the member has been provided a copy will now be accepted. This certification must be made by the reporting senior in the member's signature block (eval block-51) by writing the words, in black ink "Certified Copy Provided." We have changed block-30 to indicate counseling was not performed.

d. The member does not prove the report to be unjust or in error.

3. We recommend the member's record remain unchanged except as noted in paragraph 2.b and c.



Head, Performance
Evaluation Branch